

VIRGINIA CODE COMMISSION

Wednesday, June 14, 2023 - 10:00 a.m.

Senate Room A - Pocahontas Building

DRAFT

Meeting Minutes

Members Present: John. S. Edwards, Ward L. Armstrong, Nicole S. Cheuk, James Leftwich, Ryan McDougle, Christopher R. Nolen, Steven G. Pops, Charles S. Sharp, Amigo R. Wade, Wren M. Williams

Member Present Electronically: Richard E. Gardner

Members Absent: Malfourd W. Trumbo

Staff Present: Holly Trice, Anne Bloomsburg, Joanne Frye, Andrew Kubicanek, Division of Legislative Services; Maryanne Horch, Senate Technology

Call to order: Senator Edwards, chair, called the meeting to order at 10:02 a.m. Richard E. Gardner requested to attend the meeting virtually pursuant to the "Virginia Code Commission Policy for Electronic Meetings Held under § 2.2-3708.3 of the Code of Virginia." That request was granted. A quorum of the commission was present in person.

Welcome and Introduction of New Member: Chair Edwards introduced and welcomed back member, Senator Ryan McDougle.

Review and Approval of December 5, 2022, Meeting Minutes: Chair Edwards asked for a motion to approve the draft December 5, 2022, meeting minutes. A motion was made, properly seconded, and a roll call vote was conducted. The motion carried.

Vote	Yea	Nay	Abstain	Absent
Ward Armstrong	1			
Nicole Cheuk	1			
Richard Gardiner	1			
James Leftwich	1			
Ryan McDougle	1			
Christopher R. Nolan	1			
Steven Pops	1			
Charles S. Sharp	1			
Malfourd W. Trumbo				1
Amigo R. Wade	1			
Wren Williams	1			
John Edwards	1			

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Report on 2023 Code Commission Bills: Holly Trice, Registrar of Regulations, reported on the three bills the Commission sponsored that were enacted during the 2023 Session of the General Assembly. These chapters were cc 506, 507 and 455.

Bills Referred to the Code Commission from 2023 Legislative Session: Amigo Wade, Director of DLS, presented Chapters 506 and 507 of the 2023 Acts of Assembly, bills referred to the Commission, which require the Commission to convene and continue the work of the public notice workgroup. Director Wade discussed the scope, composition, and schedule of the work group.

Senator McDougle asked about the content of Senate Bill 859 and requested the work group to discuss language added to the 2023 Session bill language.

Report on Section 1 Bills and Enactment Clauses Assigned Code of Virginia Numbers: Ms. Trice presented those § 1 bills and enactment clauses that the executive subcommittee determined needed to be codified, including changes made to text to conform to the Code of Virginia.

Chair Edwards asked Ms. Trice to explain generally what a § 1 bill was and Ms. Trice explained the threshold for codifying a § 1 bill.

Virginia Code Commission Planned Oversight 2023: Ms. Trice informed the Commission on the Code of Virginia update from Lexis Nexis. Ms. Trice gave the Commission a timeline review of the communication between DLS, DLAS, and LexisNexis regarding data transfers between the three entities.

Chair Edwards thanked all parties involved for the improved process this year.

2023 Work Plan Draft Administrative Law Advisory Committee: Eric Page, ALAC member presented the ALAC work plan to the Commission, including the Committee's (i) executive review process monitoring and (ii) update to Hearing Officer Deskbook, which the Committee does every two years; this year's update should be out in November.

Other Business - Expiring Terms of ALAC Members: Eric Page said that all members are expiring this year, and all have also agreed to serve again at the Commission's pleasure. Mr. Page affirmed that this is a particularly diverse group, which contributes to lively discussions and generally good work. Brief biographies of members were provided in the materials.

A motion was made, properly seconded, and a roll call vote was conducted. The motion carried.

Vote to reappoint ALAC members	Yea	Nay	Abstain	Absent
Ward Armstrong	1			
Nicole Cheuk	1			
Richard Gardiner	1			
James Leftwich	1			
Ryan McDougle	1			

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Christopher R. Nolan	1			
Steven Pops	1			
Charles S. Sharp	1			
Malfourd W. Trumbo				1
Amigo R. Wade	1			
Wren Williams	1			
John Edwards	1			
Total	11			1

Other Business - Expiring Terms of Nonlegislative Members of Commission: Ms. Trice stated that Nicole Cheuk's, Malfourd Trumbo's and Charles Sharp's appointments were set to expire on June 30, 2023. However, the Senate Committee on Rules had already met in April 2023 during the reconvened session and reappointed these members to another 4-year term.

Other Business - Antiquated Statutes Concerning Church and Cemetery Trustees: Mr. Armstrong brought to the Commission the concern about certain Code of Virginia titles that are antiquated and "a mess" in regards to cemetery trustees and church trustees. For example, the work he was doing concerned personal property of the church, but there was no mention of personal property in the titles he was discussing; only real property. Delegate Williams "seconded" Mr. Armstrong's observations on the specific statutes. Chair Edwards asked Director Wade if DLS could look at the statutes Mr. Armstrong brought up to the Commission. Delegate Leftwich offered to reach out to certain individuals regarding the issue.

Chair Edwards asked for a work group to be convened to study this. Mr. Armstrong and Delegate Williams offered to serve on it.

Public comment: Senator Edwards opened the floor for public comment. There was no public comment in the room or online.

Adjourn: Chair Edwards asked for a motion to adjourn the meeting. The motion was made, properly seconded, and a vote was conducted. The motion carried.

Chair Edwards adjourned the meeting adjourned at 10:41 a.m.